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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.126 OF 2006

Mrs.Maya Prakash Khalage Applicant
versus
Prakash Bharat Khalage Respondent

Mr.Sachin Manale for applicant.

CORAM : A.S.OKA, J.

DATE : 29th June 2007

PC :

1. Submissions of the advocates appearing for the parties were heard on the last date.

2. The applicant-wife is seeking transfer of a matrimonial petition filed by the respondent for restitution of conjugal rights in the Family Court at Bandra to the Court at Latur. The applicant has also filed a petition for divorce which is pending in the Court of the learned Civil Judge, Senior Division, Latur.

3. This application is strongly opposed by the advocate for respondent by pointing out that it

will be very difficult for the respondent to attend the Court at Latur.

4. It is not in dispute that the respondent has not applied for transfer of the case pending at Latur. Therefore, the respondent will have to attend the Court at Latur for defending the petition filed by the applicant. It will be in the interests of both the parties if the cross petitions filed by them are heard by one of the same Court. Hence, application deserves to be allowed. Hence, I pass following order.

5. ORDER :-

a) Petition No.A-888/06 filed by the respondent in the Family Court at Bandra is transferred to the Court of Civil Judge, Senior Division, at Latur;

b) The learned Principal District Judge, Latur will ensure that both the matters are assigned to one and the same Court;

c) Both the petitions filed by the applicant and respondent will be heard together and will be decided expeditiously;

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d) Parties and all concerned to act on an ordinary copy of this order duly authenticated by Registry of this Court.

(A.S.OKA, J.)